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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,653	06/24/2003	Shuichi Ohtsuka	3562-0130P	1293
2292 7590 01/25/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER BAYAT, ALI	
			ART UNIT	PAPER NUMBER
			2624	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	01/25/2007	ELECTRONIC

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Office Action Summary	Application No. 10/601,653	Applicant(s) OHTSUKA, SHUICHI	
	Examiner Ali Bayat	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10 and 12-16 is/are rejected.
- 7) ☒ Claim(s) 4 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/15/06; 11/17/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 12,14 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Kotani (Pub. No.: US 2002/0078038 A1).

In regard to claim 12, Kotani provides for appending information generating means for generating appending information (Fig.4, Para. 30 see meta-data attached to the still image data, corresponds to appending information) based on contents of an image data when the image data is received (Fig.4, Para.30, note five attributes of the meta-data such as (Photographer, Date, Location , Event and Keywords) correlativity judgment means for judging a correlativity between the image data and another image data from which the appending information is generated based on the appending information (Para 33, lines 8-11, note when “the search conditions (meta-data or appending data) are specified, the thumbnails corresponding to the n images selected from the still image data matching the search conditions are displayed” which corresponds to correlativity judgment means ; and maintenance judgment means for judging whether the image data is to be maintained based on the correlativity (Fig.3 element 306,

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Para.34, note display portion 306, displays the image selected from the thumbnail images displayed in the list display portion 305, which corresponds to maintaining the image data).

With regard to claim 14, see the rejection of claim 12. It recites similar limitations as claim 12. Except that claim 14 is a method and claim 12 is an apparatus. Hence it is similarly analyzed and rejected.

As to claim 16, see the rejection of claim 12. It recites similar limitations as claim 12. Except for a computer readable medium storing thereon a program (Para. 25 line 1-5). Hence it is similarly analyzed and rejected.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5, 7-10,13,15 rejected under 35 U.S.C. 103(a) as being unpatentable over Kotani (Pub. No.: US 2002/0078038 A1), in view of Luo et al. (Pub. No.: US 2002/0131641 A1).

In regard to claim 1, Kotani provides for appending information generating means for receiving image data and generating an appending information (Fig.4, Para. 30 see meta-data attached to the still image data, corresponds to appending information) based on contents of the image data (Fig.4, Para.30, note five attributes of the meta-data such as (Photographer, Date, Location, Event and Keywords);

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correlativity judgment means for judging correlativity between the image data and another image data including the appending information based on the appending information(Para 33, lines 8-11, note when "the search conditions (meta-data or appending data) are specified, the thumbnails corresponding to the n images selected from the still image data matching the search conditions are displayed" also in Para.34 Fig.3 element 306, note "display portion 306, displays the image selected from the thumbnail images displayed in the list display portion 305, which corresponds to judgment means for judging correlativity between the image data and another image data including the appending information. Kotani does not provide for correlativity information assignment means for assigning correlativity information indicating the correlativity to the received image data and the other image data. Luo provides for correlativity information assignment means, between two images (Para.99 lines, note the similarity between the query image and a database image and the weight to be assigned to the similarity). One in the art would have been motivated to modify Kotani according to Luo to ("after calculating the similarity metric for all the database images, they can be rank ordered and displayed according to their similarity to the query image" see Para. 101, this would improve automatic image retrieval, see the field of invention) and therefore it would have obvious to one of the ordinary skill in the art to modify Kotani according to Luo.

With regard to claim 2, Kotani provides for maintenance judgment means for judging whether the image data is to be maintained based on the correlativity information (Fig.3 element 306, Para.34, note display portion 306, displays the image

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selected from the thumbnail images displayed in the list display portion 305, which corresponds to maintaining the image data).

As to claim 3, Kotani provides for a communication unit for communicating with another image processing apparatuses, wherein when it is judged that the image data is not to be maintained, said maintenance judgment means causes said communication unit to transfer the image data to another image processing apparatuses. (Para.27, see the last 4 lines, note "a USB terminal for connecting a digital camera to the image search apparatus or a network connecting terminal for connecting the apparatus to a network, examiner interpret that after image selected (Fig.3 element 306 Para.34) from the thumbnail images displayed (Fig.3 element 305 Para.34) image can be transfer to another image apparatus such as digital camera).

In regard to claim 5, Kotani provides for appending information attaching means for attaching the appending information to the image data (Fig.5 see meta-data (attributes and data values), Para.28 lines 1-4).

With regard to claim 7, Kotani provides for appending information generating means generates information indicating contents of the image data as the appending information by analyzing the image. (Fig.4, Para.30, note five attributes of the meta-data such as (Photographer, Date, Location , Event and Keywords).

As to claim 8, Kotani provides for appending information generating means generates processing conditions (Para.31 lines 5-6, note search condition concerning the meta-data corresponds to processing conditions) for processing the image data as

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the appending information by analyzing the image (Fig.4, Para.30, note five attributes of the meta-data such as (Photographer, Date, Location , Event and Keywords).

In regard to claim 9, Kotani provides for selection means for selecting the other image data, which is to be used for judgment of the correlativity, using at least a part of the appending information (Fig.6 element 606, Para.38 lines 10-14).

With regard to claim 10, Kotani provides for selection means repeats to select the plurality of other image data until a predetermined number of the other image data are selected (Fig.4, Para.30, note five attributes of the meta-data such as (Photographer, Date, Location , Event and Keywords), which corresponds to the predetermined other image data).

With regard to claim 13, see the rejection of claim 1. It recites similar limitations as claim 1. Except that claim 13 is a method and claim 1 is an apparatus. Hence it is similarly analyzed and rejected.

As to claim 15, see the rejection of claim 1. It recites similar limitations as claim 1. Except for a computer readable medium storing thereon a program (Para. 25 line 1-5). Hence it is similarly analyzed and rejected.

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kotani (Pub. No.: US 2002/0078038 A1), in view of Luo et al.(Pub. No.: US 2002/0131641 A1) yet further in view of Shaffer et al.(Us 6,389,181).

In regard to claim 6, Kotani as modified by Luo, does not provide for composite means for composing the image data with the other image data based on the correlativity information. Shaffer provides for composing the image data with the other

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image data based on the correlativity information (col.5 lines 50-55, note " customer requests a birthday photo-collage the system will retrieve the default processing goals which indicate that the steps of collecting, sorting, culling, annotating, and composing will be involved in the processing to the requested product", also see Fig.3 element 72). One in the art would have been motivated to modify Kotani as modified by Luo according to Shaffer to " employing means responsive to the sorting step to compose a photo-collage from the digital records. The system then associates each of the images with at least one of the categories followed by a sorting step that arranges the images according to the categories col.2 lines 44-51, this would improve image recognition techniques for generating photo-collages automatically, see the field of the invention " and therefore it would have obvious to one of the ordinary skill in the art to modify Kotani as modified by Luo according to Shaffer.

Objected Claims

4. Claims 4 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US patent 5,805,215 to Mizoguchi is cited for information processing method and apparatus for storing additional data about an image.

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US patent 6,424,429 to Takahashi et al. is cited for file system and recording medium with a program stored in the system stored therein.

US patent 5,017,014 to Terashita is cited for photographic printing exposure determining apparatus and film type data processing apparatus for photographic printer.

US patent 7,095,514 to Yamagata et al. is cited for image processing system for preventing forgery.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Bayat whose telephone number is 571-272-7444.

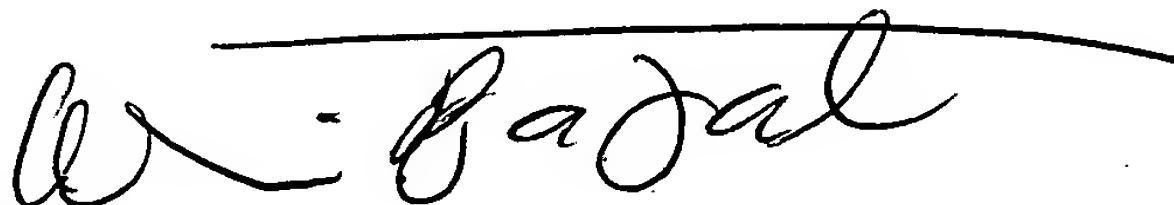
The examiner can normally be reached on M-F 9:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ali Bayat
Patent examiner
Division 2624
1/20/07

A handwritten signature in black ink, appearing to read "Ali Bayat", is written over a horizontal line.